

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-162 (DSD/TNL)

Plaintiff,

v.

ORDER

Joshua Gunnar Olson,

Defendant.

This matter comes before the Court on Defendant Joshua Gunnar Olson's Motion for Extension of Filing Motions. (ECF No. 12.) Defendant requests a one-week extension of the motions filing date, from August 23 to August 30, 2022. (*Id.*) Defendant's counsel requests the extension because Defendant was transported from Sherburne County Jail, to Anoka County Jail, then back to Sherburne County Jail, in a way that has interfered with Defendant's counsel's ability to communicate with Defendant in a meaningful way prior to filing motions. (*Id.*) The Government does not object to the extension. (*Id.*) The Government is not currently requesting a continuance of its September 6, 2022, deadline to file its responses to the motions, nor is either party requesting a continuance of the September 20, 2022, motions hearing.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide Defendant and his attorney reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Chief District Judge for the United States District Court for the District of Minnesota has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On June 1, 2022, the Chief District Judge entered General Order No. 36, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 36 (D. Minn. June 1, 2022). General Order No. 36 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

General Order No. 36 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. General Order No. 36 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendant file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to a motions hearing by videoconference. (See also ECF No. 8.)**

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Joshua Gunnar Olson's Motion for Extension of Filing Motions (ECF No. 12) is **GRANTED**.
2. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 30, 2022**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.
3. **Should Defendant file pretrial motions, counsel shall also file a letter on or before August 30, 2022, indicating whether Defendant consents to a motions hearing by videoconference.** See ECF No. 8.
4. Counsel shall electronically file a letter on or before **August 30, 2022**, if no motions will be filed and there is no need for hearing.
5. All other dates and deadlines as set forth in the Court's Arraignment Notice and Scheduling Order (ECF No. 7) remain in effect.

Dated: August 25, 2022

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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